

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE APRIL 21, 2004

**SENATE BILL**

**No. 1331**

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**Introduced by Senators Alpert and Scott**  
**(Principal coauthors: Senators Alarcon, McPherson, and**  
**Vasconcellos)**

**(Principal coauthors: Assembly Members Daucher, Liu, and**  
**Steinberg)**

February 18, 2004

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*An act to amend Sections 66010.7, 66903, and 67380 of, to add Chapter 12.5 (commencing with Section 67100) to Part 40 of, to repeal Sections 69563 and 99155 of, and to repeal Chapter 4.5 (commencing with Section 99180) of Part 65 of, the Education Code, relating to postsecondary education accountability.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1331, as amended, Alpert. Postsecondary education accountability: California Postsecondary Education Accountability Act of 2004.

(1) Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. Under existing law, there are 3 segments of the public higher education system in the state. These segments are the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the

Board of Governors of the California Community Colleges. The independent segment of higher education in the state is represented by the Association of Independent California Colleges and Universities.

Provisions of the Donahoe Higher Education Act are applicable to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable.

*Among other things, the act establishes the California Postsecondary Education Commission (CPEC) for; among other purposes, the collection of data pertinent to the planning and coordination of the higher education system of the state.*

This bill would add the California Postsecondary Accountability Act of 2004 to the Donahoe Higher Education Act. The bill would establish a statewide California Postsecondary Education Accountability (CPSEA) structure that would annually provide an assessment of the progress made by the state's system of postsecondary education in meeting the educational needs of Californians. The bill would specify the information to be collected through a statewide reporting system that the bill would establish.

The bill would require the Board of Governors of the California Community Colleges and the Trustees of the California State University, and would request the Regents of the University of California and the Association of Independent California Colleges and Universities to, provide annual reports to the Legislature, ~~the California Postsecondary Education Commission (CPEC)~~, CPEC and the Governor, by October 1 of each year, beginning October 1, 2005, to become part of the state accountability record.

The bill would require CPEC to administer the postsecondary education accountability structure established by the bill. The bill would require CPEC to provide to the Legislature and the Governor, by November 15 of each year, beginning November 15, 2005, a report that includes an analysis of the data collected pursuant to the bill and an assessment of the progress the state is making within each of several specified policy areas.

*The bill would also delete provisions that require that CPEC do the following: review and evaluate the effectiveness of various intersegmental activities; prepare a state plan for postsecondary education that integrates the planning efforts of the public segments with other pertinent plans; periodically collect or conduct studies of projected manpower supply and demand; maintain and update annually an inventory of all off-campus programs and facilities for*



*education, research, and community services operated by public and independent institutions of higher education; receive, and report on, information relating to incidents of hate violence occurring in institutions of higher education in California; periodically review and evaluate the Student Opportunity and Access Program; and prepare and submit a biennial report regarding standardized tests.*

(2) Existing law establishes a higher education accountability program under which the University of California, the California State University, and the California Community Colleges are required to prepare a list of reports on a regular basis to the Legislature and to state agencies. Under the program, commencing on November 15, 1994, and each November 15 thereafter, the CPEC is required to submit a higher education report to the Legislature and the Governor that provides information on significant indicators of the performance of the public colleges and universities.

This bill would repeal this program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 66010.7 of the Education Code is*  
2 *amended to read:*

3 66010.7. (a) The Legislature, through the enactment of this  
4 section, expresses its commitment to encourage and support  
5 collaboration and coordination among all segments of education.

6 (b) Within the differentiation of segmental functions outlined  
7 in this article, the institutions of higher education shall undertake  
8 intersegmental collaboration and coordination particularly when  
9 it can do any of the following:

10 (1) Enhance the achievement of the institutional missions  
11 shared by the segments.

12 (2) Provide more effective planning of postsecondary  
13 education on a statewide basis.

14 (3) Facilitate achievement of the goals of educational equity.

15 (4) Enable public and independent higher education to meet  
16 more effectively the educational needs of a geographic region.

17 (5) Facilitate student progress from one segment to another,  
18 particularly with regard to preparation of students for higher



1 education as well as the transfer from the California Community  
2 Colleges to four-year institutions.

3 (c) The leaders responsible for public and independent  
4 institutions of higher education and the Superintendent of Public  
5 Instruction shall work together to promote and facilitate the  
6 development of intersegmental programs and other cooperative  
7 efforts aimed at improving the progress of students through the  
8 educational systems and at strengthening the teaching profession  
9 at all levels.

10 ~~(d) The California Postsecondary Education Commission shall~~  
11 ~~have responsibility for reviewing and evaluating the effectiveness~~  
12 ~~of intersegmental activities in accomplishing the established~~  
13 ~~goals, and shall report its findings to the Governor and Legislature~~  
14 ~~biennially.~~

15 SEC. 2. *Section 66903 of the Education Code is amended to*  
16 *read:*

17 66903. The commission has the following functions and  
18 responsibilities in its capacity as the statewide postsecondary  
19 education planning and coordinating agency and adviser to the  
20 Legislature and the Governor:

21 (a) It shall require the governing boards of the segments of  
22 public postsecondary education to develop and submit to the  
23 commission institutional and systemwide long-range plans in a  
24 form determined by the commission after consultation with the  
25 segments.

26 ~~(b) It shall prepare a state plan for postsecondary education that~~  
27 ~~shall integrate the planning efforts of the public segments with~~  
28 ~~other pertinent plans. The commission shall seek to resolve~~  
29 ~~conflicts or inconsistencies among segmental plans in consultation~~  
30 ~~with the segments. If these consultations are unsuccessful, the~~  
31 ~~commission shall report the unresolved issues to the Legislature~~  
32 ~~with recommendations for resolution. In developing the plan, the~~  
33 ~~commission shall consider at least the following factors:~~

34 ~~(1) The need for, and location of, new facilities.~~

35 ~~(2) The range and kinds of programs appropriate to each~~  
36 ~~institution or system.~~

37 ~~(3) The budgetary priorities of the institutions and systems of~~  
38 ~~postsecondary education.~~

1 ~~(4) The impact of various types and levels of student charges~~  
2 ~~on students and on postsecondary education programs and~~  
3 ~~institutions.~~

4 ~~(5) The appropriate levels of state-funded student financial aid.~~

5 ~~(6) The access and admission of students to postsecondary~~  
6 ~~education.~~

7 ~~(7) The educational programs and resources of independent~~  
8 ~~and private postsecondary institutions.~~

9 ~~(8) The provisions of this division differentiating the functions~~  
10 ~~of the public systems of higher education.~~

11 ~~(e)~~ It shall update the plan periodically, as appropriate.

12 ~~(d)~~—

13 (c) It shall participate in appropriate stages of the executive and  
14 the legislative budget processes as requested by the executive and  
15 the legislative branches, and shall advise the executive and the  
16 legislative branches as to whether segmental programmatic  
17 budgetary requests are compatible with the state plan. It is not  
18 intended that the commission hold independent budget hearings.

19 ~~(e)~~—

20 (d) It shall advise the Legislature and the Governor regarding  
21 the need for, and location of, new institutions and campuses of  
22 public higher education.

23 ~~(f)~~—

24 (e) It shall review proposals by the public segments for new  
25 programs, the priorities that guide them, and the degree of  
26 coordination with nearby public, independent, and private  
27 postsecondary educational institutions, and shall make  
28 recommendations regarding those proposals to the Legislature and  
29 the Governor.

30 ~~(g)~~—

31 (f) In consultation with the public segments, it shall establish a  
32 schedule for segmental review of selected educational programs,  
33 evaluate the program approval, review, and disestablishment  
34 processes of the segments, and report its findings and  
35 recommendations to the Legislature and the Governor.

36 ~~(h)~~—

37 (g) It shall serve as a stimulus to the segments and institutions  
38 of postsecondary education by projecting and identifying societal  
39 and educational needs and encouraging adaptability to change.

~~(i) It shall periodically collect or conduct, or both collect and conduct, studies of projected manpower supply and demand, in cooperation with appropriate state agencies, and disseminate the results of those studies to institutions of postsecondary education and to the public in order to improve the information base upon which student choices are made.~~

~~(j)–~~

(h) It shall periodically review and make recommendations concerning the need for, and availability of, postsecondary programs for adult and continuing education.

~~(k)–~~

(i) It shall develop criteria for evaluating the effectiveness of all aspects of postsecondary education.

~~(l) It shall maintain and update annually an inventory of all off-campus programs and facilities for education, research, and community services operated by public and independent institutions of postsecondary education.~~

~~(m)–~~

(j) (1) It shall act as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies. It shall develop and maintain a comprehensive data base that does all of the following:

(A) Ensures comparability of data from diverse sources.

(B) Supports longitudinal studies of individual students as they progress through the state's postsecondary educational institutions, based upon the commission's existing student data base through the use of a unique student identifier.

(C) Is compatible with the California School Information System and the student information systems developed and maintained by the public segments of higher education, as appropriate.

(D) Provides Internet access to data, as appropriate, to the sectors of higher education.

(E) Provides each of the educational segments access to the data made available to the commission for the purposes of the data base, in order to support, most efficiently and effectively, statewide, segmental, and individual campus educational research information needs.

(2) The commission, in implementing paragraph (1), shall comply with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) relating to the disclosure of personally identifiable information concerning students.

(3) The commission may not make available any personally identifiable information received from a postsecondary educational institution concerning students for any regulatory purpose unless the institution has authorized the commission to provide that information on behalf of the institution.

(4) The commission shall provide 30-day notification to the chairpersons of the appropriate legislative policy and budget committees of the Legislature, to the Director of Finance, and to the Governor prior to making any significant changes to the student information contained in the data base.

~~(n)~~

(k) It shall establish criteria for state support of new and existing programs, in consultation with the public segments, the Department of Finance, and the Joint Legislative Budget Committee.

~~(o)~~

(l) It shall comply with the appropriate provisions of the federal Education Amendments of 1972 (P.L. 92-318), as specified in Section 67000.

~~(p)~~

(m) It shall consider the relationship among academic education and vocational education and job training programs, and shall actively consult with representatives of public and private education.

~~(q)~~

(n) It shall review all proposals for changes in eligibility pools for admission to public institutions and segments of postsecondary education and shall make recommendations to the Legislature, the Governor, and institutions of postsecondary education. In carrying out this subdivision, the commission periodically shall conduct a study of the percentages of California public high school graduates estimated to be eligible for admission to the University of California and the California State University. The changes made to this subdivision ~~during the 2001-02 Regular Session of the Legislature by Chapter 580 of the Statutes of 2003~~ shall be implemented only during those fiscal years for which funding is



1 provided for the purposes of those provisions in the annual Budget  
2 Act or in another measure.

3 ~~(t)~~—

4 (o) It shall report periodically to the Legislature and the  
5 Governor regarding the financial conditions of independent  
6 institutions, their enrollment and application figures, the number  
7 of student spaces available, and the respective cost of utilizing  
8 those spaces as compared to providing additional public spaces.  
9 The reports shall include recommendations concerning state  
10 policies and programs having a significant impact on independent  
11 institutions.

12 ~~(s)~~—

13 (p) Upon request of the Legislature or the Governor, it shall  
14 submit to the Legislature and the Governor a report on all matters  
15 so requested that are compatible with its role as the statewide  
16 postsecondary education planning and coordinating agency. Upon  
17 request of individual Members of the Legislature or personnel in  
18 the executive branch, the commission shall submit information or  
19 a report on any matter to the extent that sufficient resources are  
20 available. From time to time, it also may submit to the Legislature  
21 and the Governor a report that contains recommendations as to  
22 necessary or desirable changes, if any, in the functions, policies,  
23 and programs of the several segments of public, independent, and  
24 private postsecondary education.

25 ~~(t)~~—

26 (q) In consultation with the public segments, it shall consider  
27 the development of facilities to be used by more than one segment  
28 of public higher education, commonly called “joint-use  
29 facilities.” It shall recommend to the Legislature criteria and  
30 processes for different segments to utilize bond funds for these  
31 intersegmental, joint-use facilities.

32 ~~(tt)~~—

33 (r) It may undertake other functions and responsibilities that  
34 are compatible with its role as the statewide postsecondary  
35 education planning and coordinating agency.

36 SEC. 3. Chapter 12.5 (commencing with Section 67100) is  
37 added to Part 40 of the Education Code, to read:

38



CHAPTER 12.5. THE CALIFORNIA POSTSECONDARY EDUCATION  
ACCOUNTABILITY ACT OF 2004

67100. The Legislature finds and declares all of the following:

(a) Since the enactment of the Master Plan for Higher Education in 1960, California's system of postsecondary education has provided access and high quality educational opportunities that have fueled California's economic growth.

(b) A combination of factors now poses challenges for postsecondary education and for state policymakers in meeting the postsecondary education needs of Californians. Enrollment is growing, the demographics of the student body are changing, costs are rising, state support for postsecondary education is declining, student fees are increasing, access is being restricted, employers are expressing concerns about graduates' skills, and there is growing public demand to ensure that the state is making proper investments in postsecondary education.

(c) Although the public segments of postsecondary education have each developed their own institution-specific accountability efforts, they do not combine to reflect statewide policy goals that cut across all postsecondary education segments.

(d) In the absence of a statewide focus, the state has limited access to meaningful data that could serve as the basis for analysis on how the state is performing in key areas, and must make important fiscal and policy decisions without that knowledge.

67100.3. It is the intent of the Legislature that a postsecondary education accountability reporting structure contain all of the following elements:

(a) Be focused and strategic in its purpose.

(b) Be used wisely to serve as a tool to improve educational outcomes for Californians.

(c) Be used to support effective, data-driven policy and fiscal decisions.

(d) Acknowledge that not everything about the whole person can be measured, including the intangible learning capacities that students gain from college attendance.

(e) Recognize that students enter the system with different levels of preparation.

(f) Be used to identify and eliminate unnecessary and redundant reports submitted to the state by the various educational agencies and institutions to save resources, improve efficiency, and allow institutions to focus on their efforts on meeting state policy goals and their own related institutional goals.

(g) *It is further the intent of the Legislature to eliminate, streamline, and reduce the frequency of reports that statutes require the California Postsecondary Education Commission (CPEC) to prepare that are either not appropriate to the central mission of CPEC or that do not address a critical state need in advancing public policy goals for higher education in California.*

67100.5. (a) The State of California shall establish a statewide California Postsecondary Education Accountability (CPSEA) structure that provides the basis for an annual assessment of the progress made by the state's system of postsecondary education in meeting the educational needs of Californians.

(b) This CPSEA structure shall ~~include measures of~~ *identify a select number of key indicators that measure* progress toward four statewide public policy goals for postsecondary education in the following areas:

~~(1) Educational Opportunity.~~

~~(2) Participation.~~

~~(3) Student Success.~~

~~(4) Public Benefits, including meaningful participation in civic life and support of the state's economy.~~

*(1) Educational Opportunity:*

*(A) This goal envisions that all Californians have reasonable and equal opportunities to attend college.*

*(B) To measure progress in achieving this goal, the California Postsecondary Education Commission (CPEC) shall collect and analyze data on all of the following:*

*(i) College readiness among high school graduates.*

*(ii) College readiness among adults.*

*(iii) College affordability.*

*(2) Participation:*

*(A) This goal envisions that California higher education serve a large and diverse population.*

*(B) To measure progress in achieving this goal, CPEC shall collect and analyze data on all of the following:*

1 (i) *Postsecondary enrollment.*

2 (ii) *Capacity to serve eligible students.*

3 (iii) *Diversity of the college environment.*

4 (3) *Student Success:*

5 (A) *This goal envisions that California higher education*  
6 *prepare students well for life and work.*

7 (B) *To measure progress in achieving this goal CPEC shall*  
8 *collect and analyze data on all of the following:*

9 (i) *Student success in completion of their educational goals.*

10 (ii) *Student success in acquiring the core competency skills*  
11 *necessary for success in life.*

12 (iii) *Student satisfaction.*

13 (4) *Public Benefits:*

14 (A) *This goal envisions that California higher education*  
15 *benefit the state and its people by providing meaningful*  
16 *participation in civic life and support of the state's economy.*

17 (B) *To measure progress in achieving this goal, CPEC shall*  
18 *collect and analyze data on all of the following:*

19 (i) *Personal income measures, such as median personal*  
20 *income by educational attainment.*

21 (ii) *State economic development measures, such as degrees*  
22 *awarded in selected employment areas in relation to projected*  
23 *need (for example, nursing).*

24 (iii) *Social and civic life measures, such as educational*  
25 *attainment levels of the overall state population.*

26 (c) *The CPSEA structure shall establish a statewide reporting*  
27 *system that identifies a select number of key indicators to measure*  
28 *progress toward these state goals. The information provided by*  
29 *this system shall include all of the following:*

30 (1) *Statewide aggregate data, as described in this section.*

31 (2) *Regional data, reported by regions to be determined*  
32 *pursuant to advice from the CPSEA.*

33 (3) *Segmental data, provided by the public and independent*  
34 *nonprofit sectors pursuant to the process described in subdivision*  
35 *(a).*

36 (4) *A system-specific annual report to the Governor and the*  
37 *Legislature.*

38 (d) *The data for the indicators shall be collected statewide from*  
39 *a variety of sources, including information provided by the*  
40 *segments and the institutions within these segments. Each*

1 indicator shall provide information by race and ethnicity, gender,  
2 Cal Grant recipient status, and socioeconomic status, to the extent  
3 to which data is available. The indicators shall be adopted by the  
4 California Postsecondary Education Commission, which shall  
5 consult with representatives from the higher education segments,  
6 state policymakers, the business community, and higher education  
7 students and faculty in the development, adoption, and revision of  
8 the indicators.

9 (e) Data collection for the statewide reporting system shall be  
10 implemented in two phases. Phase I of implementation shall report  
11 on existing data elements identified for the system that are  
12 currently collected, and shall go into effect with the annual report  
13 due on October 1, 2005. Phase II of implementation shall include  
14 development of new data elements not currently available.  
15 Development of the new data elements in Phase II shall begin on  
16 October 1, 2006, and go into effect with the annual report due on  
17 October 1, 2008.

18 (f) The Board of Governors of the California Community  
19 Colleges and the Trustees of the California State University are  
20 required to, and the Regents of the University of California and the  
21 Association of Independent California Colleges and Universities  
22 are urged to, provide annual reports to the Legislature, the  
23 California Postsecondary Education Commission, and the  
24 Governor, by October 1 of each year, beginning October 1, 2005,  
25 to become part of the state accountability record. These annual  
26 reports shall provide a key link between the state postsecondary  
27 education accountability reporting structure and segmental  
28 accountability efforts. These annual reports shall include all of the  
29 following:

30 (1) The segment's main priorities for each of the state's goal  
31 areas.

32 (2) The major activities underway to address each priority.

33 (3) The performance indicators used to track progress toward  
34 each goal.

35 (4) Major highlights or issues from the data that have  
36 state-level significance.

37 (5) The segment's institutional goals for student learning  
38 outcomes; how they assess progress toward these goals; what they  
39 are learning from their assessments, including reporting on efforts  
40 to increase a student's capacity to learn; how students are

1 performing in areas of core competence; and how they are using  
2 their assessments to improve learning.

3 67100.7. The CPSEA structure is guided by the following set  
4 of principles:

5 (a) A state-level accountability structure is designed to help  
6 policymakers develop, maintain, and fund a postsecondary  
7 education system that meets the state's goals, recognizes the  
8 differentiated missions of each segment of postsecondary  
9 education, and guides the segments toward maintaining effective  
10 institutions consistent with state goals and institutional missions.

11 (b) The CPSEA structure is designed to be simple, yet  
12 meaningful.

13 (c) Policymakers and governing boards are collectively  
14 accountable for meeting public goals for higher education.

15 (d) The state-level reporting system is designed to contain only  
16 data that helps policymakers to assess progress toward state goals  
17 and to make appropriate policy and funding decisions and  
18 interventions.

19 (e) The ongoing responsibility of the governing boards is to  
20 monitor and be accountable for the performance of individual  
21 colleges and universities for meeting statewide policy goals,  
22 segmental and institutional missions and goals, and for the quality  
23 of the education of its students.

24 (f) The data shall be communicated publicly in a concise  
25 manner that conveys clearly the relevance of each measure to state  
26 policy and fiscal choices.

27 67101. For the purposes of this chapter, the segments of  
28 postsecondary education are defined as the California Community  
29 Colleges, the California State University, the University of  
30 California, and the Association of Independent California  
31 Colleges and Universities.

32 67102. The California Postsecondary Education Commission  
33 (CPEC) shall be responsible for administering the postsecondary  
34 education accountability structure. In this capacity, CPEC shall  
35 develop, and periodically may revise, the data elements to be  
36 collected, and shall collect and interpret the data. CPEC shall  
37 provide an annual report to the Legislature and the Governor by  
38 November 15 of each year, beginning November 15, 2005. The  
39 report shall include CPEC's independent assessment of the process  
40 being made at the statewide level for each of the policy indicators.

1 The report may also include CPEC's comments on segmental  
2 implementation and oversight of the statewide accountability  
3 reporting. The report shall, at a minimum, include an analysis of  
4 key indicators, as specified by subdivision (b) of Section 67100.5,  
5 on a statewide, regional, and segmental basis as specified by  
6 Section 67100.5.

7 ~~SEC. 2.—~~

8 *67103. In implementing the requirements of this chapter, the*  
9 *California Postsecondary Education Commission and any other*  
10 *affected state agency shall ensure that no additional mandates are*  
11 *imposed on local agencies. Any new activities required to*  
12 *implement this chapter shall be offset by a commensurate*  
13 *reduction in other existing redundant or unnecessary information*  
14 *requirements.*

15 *SEC. 4. Section 67380 of the Education Code is amended to*  
16 *read:*

17 67380. (a) The governing board of each community college  
18 district, the Trustees of the California State University, the Board  
19 of Directors of the Hastings College of the Law, the Regents of the  
20 University of California, and the governing board of any  
21 postsecondary institution receiving public funds for student  
22 financial assistance shall do all of the following:

23 (1) Require the appropriate officials at each campus within  
24 their respective jurisdictions to compile records of both of the  
25 following:

26 (A) All occurrences reported to campus police, campus  
27 security personnel, or campus safety authorities of, and arrests for,  
28 crimes that are committed on campus and that involve violence,  
29 hate violence, theft or destruction of property, illegal drugs, or  
30 alcohol intoxication.

31 (B) All occurrences of noncriminal acts of hate violence  
32 reported to, and for which a written report is prepared by,  
33 designated campus authorities.

34 (2) Require any written record of a noncriminal act of hate  
35 violence to include, but not be limited to, the following:

36 (A) A description of the act of hate violence.

37 (B) Victim characteristics.

38 (C) Offender characteristics, if known.

39 (3) (A) Make the information concerning the crimes compiled  
40 pursuant to subparagraph (A) of paragraph (1) available within

two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to subdivision (f) of Section 6254 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding paragraph (2) of subdivision (f) of Section 6254 of the Government Code, the name of a victim of any crime defined by Section 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed without the permission of the victim, or the victim's parent or guardian if the victim is a minor.

~~For~~

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of "state or local police agency" and "state and local law enforcement agency," as those terms are used in subdivision (f) of Section 6254 of the Government Code.

(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request a campus safety plan that sets forth all of the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For the purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure that is made generally available to students.

~~(5) Require the appropriate officials at each campus within their respective jurisdictions to report information compiled pursuant to paragraph (1) relating to hate violence to the governing board, trustees, board of directors, or regents, as the case may be. The governing board, trustees, board of directors, or regents, as the case may be, shall, upon collection of that information from all of the campuses within their jurisdiction, transmit a report containing a compilation of that information to the California Postsecondary~~



~~Education Commission no later than January 1 of each year, commencing January 1, 1993. The commission shall submit a report to the Legislature and the Governor on July 1, 1993, and every two years thereafter, on the type and number of incidents of hate violence occurring in institutions of public higher education in California. It is the intent of the Legislature that the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary institution receiving public funds for student financial assistance establish guidelines for identifying and reporting occurrences of hate violence. It is the intent of the Legislature that the guidelines established by these institutions of higher education be as consistent with each other as possible. These guidelines shall be developed in consultation with the California Postsecondary Education Commission, the Department of Fair Employment and Housing, and the California Association of Human Rights Organizations. The report shall include, but not be limited to, the following:~~

~~(A) A comparison of incidents occurring in the year being reported to previous years for which there is hate violence data.~~

~~(B) To the extent possible, a comparison of incidents of hate violence occurring at community colleges, the California State University, the Hastings College of the Law, the University of California, and postsecondary institutions receiving funds for student financial assistance with incidents occurring at colleges and universities in other states and private universities in California.~~

~~(C) Findings and recommendations to the Legislature on the means of addressing hate violence at community colleges, the California State University, the Hastings College of the Law, the University of California, and postsecondary institutions receiving public funds for student financial assistance.~~

~~(b) Any person who is refused information required to be made available pursuant to subparagraph (A) of paragraph (1) of subdivision (a) may maintain a civil action for damages against any institution that refuses to provide the information, and the court shall award that person an amount not to exceed one~~

1 thousand dollars (\$1,000) if the court finds that the institution  
2 refused to provide the information.

3 (c) For purposes of this section, “hate violence” means any act  
4 of physical intimidation or physical harassment, physical force or  
5 physical violence, or the threat of physical force or physical  
6 violence, that is directed against any person or group of persons,  
7 or the property of any person or group of persons because of the  
8 ethnicity, race, national origin, religion, sex, sexual orientation,  
9 disability, or political or religious beliefs of that person or group.

10 (d) This section does not apply to the governing board of any  
11 private postsecondary institution receiving funds for student  
12 financial assistance with a full-time enrollment of less than 1,000  
13 students.

14 (e) This section shall apply to a campus of one of the public  
15 postsecondary educational systems identified in subdivision (a)  
16 only if that campus has a full-time equivalent enrollment of more  
17 than 1,000 students.

18 (f) Notwithstanding any other provision of this section, this  
19 section shall not apply to the California Community Colleges  
20 unless and until the Legislature makes funds available to the  
21 California Community Colleges for the purposes of this section.

22 *SEC. 5. Section 69563 of the Education Code is repealed.*

23 ~~69563. The California Postsecondary Education Commission~~  
24 ~~shall periodically review and evaluate the Student Opportunity~~  
25 ~~and Access Program as part of the commission’s regular~~  
26 ~~assessment of student academic development programs in the~~  
27 ~~state. The commission shall include in the evaluation an~~  
28 ~~assessment of the admission, progress, retention, and graduation~~  
29 ~~of program participants from postsecondary institutions.~~

30 *SEC. 6. Section 99155 of the Education Code is repealed.*

31 ~~99155. By May 1, 1990, and every two years thereafter, the~~  
32 ~~commission shall prepare and submit a biennial report regarding~~  
33 ~~standardized tests of the state’s test subjects to the Governor, the~~  
34 ~~Legislature, the Regents of the University of California, the Board~~  
35 ~~of Governors of the California Community Colleges, the Trustees~~  
36 ~~of the California State University, and the Superintendent of~~  
37 ~~Public Instruction. This report shall include a descriptive summary~~  
38 ~~of existing data and information submitted to the commission~~  
39 ~~pursuant to Section 99153, including all of the following:~~

~~(a) The number of California students taking standardized tests.~~

~~(b) The performance of California test subjects.~~

~~(c) The number of California students, by ethnicity and gender, who participate in advance placement classes in secondary schools and take preliminary standardized college admission tests.~~

~~(d) The predictive validity of test scores as specified in subdivision (i) of Section 99153.~~

~~(e) A description of the information specified in subdivisions (a), (b), and (d) according to the sex and ethnicity of test subjects.~~

~~(f) The revenues received by test sponsors, and the proportion of those revenues expended for test development and administration.~~

The commission shall also report on the progress in increasing the number of Hispanic, Black, and American Indian students who graduate from high school eligible to enroll in either the University of California or the California State University. The testing companies shall cooperate with the commission in the sharing of available information and the development of policy recommendations for strengthening the college preparatory curriculum and increasing the availability of test preparation activities for students from ethnic groups traditionally underrepresented in postsecondary education. The commission shall present specific recommendations on (1) methods to remove the inappropriate obstacles that standardized college admissions tests may provide in precluding some students from obtaining regular admission to public colleges and universities and (2) strategies to involve the testing companies in cooperative actions with the schools, colleges, and universities to expand access to college for Hispanic, Black, and American Indian students.

*SEC. 7.* Chapter 4.5 (commencing with Section 99180) of Part 65 of the Education Code is repealed.